

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EDDIE JOE BUSH,

Petitioner,

V.

STEVEN M. GOFF,

Respondent.

Case No. C07-5636FDB

ORDER OF TRANSFER

Before the court is a petition for writ of habeas corpus. Petitioner is currently not in custody and residing in Louisiana.

The Petition appears to attack the legality of several convictions imposed by the Washington State Superior Court for King County. For reasons which follow, this court transfers this matter to the U.S. District Court for Western District of Washington in Seattle.

An application for a writ of habeas corpus may be filed either in the district court wherein the petitioner is in custody or in the district court within the State court which convicted and sentenced the petitioner; such district courts have concurrent jurisdiction to entertain the application. 28 U.S.C. § 2241(d); Fest v. Bartee, 804 F.2d 559, 560 (9th Cir. 1986). "The physical presence of the prisoner is not necessary for habeas corpus jurisdiction as long as the court has jurisdiction over the person holding the prisoner." Fest, 804 F.2d at 560, *citing*, Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 494-95 (1973). To determine where the action should be located the court should review traditional venue considerations. Id.

In the present case Petitioner is primarily challenging convictions in King County, Washington. He lists one conviction arising out of Walla Walla County, but it does not appear to be the main focus of his arguments, which have more to do with the sentence he served for his criminal behavior. Most significantly, Petitioner does not appear to challenge any conviction or sentence that arose in a county within the jurisdiction or venue of this Court. Based on these facts and in the interest of justice, the petition should be transferred to the U.S. District Court located in Seattle.

The Clerk of this court is hereby directed to transfer this case to the U.S. District Court for Western District of Washington in Seattle.

DATED this 26th day of November, 2007.


The Honorable Franklin D. Burgess
United States District Court Judge

Recommended for entry this
23rd day of November, 2007.

/s/ J. Kelley Arnold
J. Kelley Arnold
United States Magistrate Judge